

## **Frequently Asked Questions on Gulf of Mexico Reef Fish Amendment 18A, which Includes Requirements for Vessel Monitoring Systems and Sea Turtle Bycatch Release Gear**

### **What does Amendment 18A do?**

Amendment 18A resolves several issues related to monitoring and enforcing existing Gulf of Mexico reef fish fishing regulations. It also provides measures to reduce bycatch mortality of incidentally caught endangered sea turtles and smalltooth sawfish.

### **How will Amendment 18A resolve bag limit confusion?**

Currently, it is illegal to sell reef fish caught under a recreational bag limit in the Gulf of Mexico; however, commercial vessels may also retain up to the bag limit for personal use in most cases. But for some species, it can be confusing whether a commercially permitted vessel may or may not retain a recreational harvest of reef fish. For example, during the February 15 to March 15 commercial closed season on red grouper, black grouper, and gag, vessels with a commercial reef fish permit are prohibited from possessing the recreational limits of those species (unless the vessel also has a charter permit and is operating as a charter vessel). However, in other instances, commercial reef fish vessels can retain a recreational limit of grouper after the commercial grouper quota is met and the commercial fishery is closed.

Amendment 18A would not allow commercial vessels to retain reef fish species caught under recreational size and bag limits when the vessel has commercial harvests of any reef fish species aboard. Fishermen allowed a reef fish bag limit would be private recreational fishing vessels, vessels with a for-hire reef fish permit, vessels with a for-hire reef fish permit and a commercial reef fish permit as long as there are not commercial quantities of any reef fish species onboard, and commercial vessels with commercial quantities of any species other than reef fish.

### **How will amendment 18A resolve discrepancies in crew sizes for charter vessels when fishing commercially?**

#### **1) What is a certificate of inspection (COI)?**

A COI is issued by the United States Coast Guard (USCG) to a charter vessel or head boat if it is over 100 tons or carries more than 12 paying passengers. Vessels under 100 tons and/or carrying 12 paying passengers or fewer are considered uninspected vessels. The COI contains a minimum manning requirement dictating crew size. USCG regulations currently require a minimum crew of at least two persons (a captain and mate) per 12-hour shift. Thus, when a vessel with a COI is out over 12 hours, the crew complement must be doubled (i.e., two captains and two mates).

#### **2) What is the discrepancy Amendment 18A resolves?**

Current fishing regulations limit the maximum number of persons onboard a vessel with both a commercial and for-hire vessel permit (dual permitted) to three when the vessel is fishing commercially. Since some charter vessels and all headboats must have a COI in order to carry passengers for hire, this creates a discrepancy in the regulations for dual-

permitted vessels if out for more than 12 hours. Amendment 18A would allow dual-permitted vessels with a COI to have a crew size equal to the minimum manning requirements outlined in the vessel's COI for trips exceeding 12 hours. Uninspected dual-permitted vessels would still be subject to the current minimum crew size of three persons, as would vessels with a reef fish and/or mackerel for-hire permit fishing commercially for mackerel.

**How will Amendment 18A halt reef fish from being used as bait in the reef fish fishery?**

It is illegal to cut up reef fish at sea for use as bait. However, it is currently not illegal to use as bait cut up reef fish purchased on shore, or whole reef fish provided the fish complies with applicable size and bag limits. This creates enforcement difficulties. Amendment 18A would prohibit the use of any reef fish, other than sand perch and dwarf sand perch, as bait for any gear. Amendment 18A provides an exception for reef fish parts to be used as bait in the blue crab, stone crab, deep-water crab, and spiny lobster trap fisheries.

**Why are vessel monitoring systems (VMS) needed in the reef fish fishery?**

The Reef Fish FMP contains several area-specific regulations in which fishing is restricted or prohibited to protect habitat, protect spawning aggregations, or reduce fishing pressure. Unlike size, bag, and trip limits, where the catch can be monitored when a vessel returns to port, area restrictions require at-sea enforcement. VMS enhances enforcement of area restrictions.

**What vessels would be required to have VMS onboard?**

Amendment 18A would require all commercially permitted reef fish vessels and charter vessels with commercial reef fish permits to have VMS. Reef fish vessels exclusively using fish traps are exempt the VMS requirement because fish traps will no longer be an allowable gear type after February 7, 2007.

**Who will pay for VMS?**

The cost of the vessel equipment, installation, maintenance, and month-to-month communications will be paid or arranged for by the vessel owners as appropriate. NOAA Fisheries Service will maintain and will publish in the *Federal Register* a list of type-approved units and communications protocols.

**What vessels would need to have sea turtle release gear onboard?**

Amendment 18A would require vessels with commercial and/or for-hire reef fish vessel permits to possess sea turtle release gear. Vessels would need to follow sea turtle and smalltooth sawfish release procedures posted on board.

**Why is a change in the permit application process proposed?**

NOAA Fisheries Service believes requiring annual permit renewal provides better permit accountability. Fees for annual renewal would be half of the current biennial fee; therefore, there would be no increased cost to applicants. The annual renewal requirement will apply to all permits, including those for highly migratory species.

